



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,905	11/14/2005	Peter Johathan Watson Rance	014875-000004	9059

24239 7590 10/06/2006

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER

PHASGE, ARUN S

ART UNIT	PAPER NUMBER
----------	--------------

1753

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,905

Applicant(s)

RANCE ET AL.

Examiner

Arun S. Phasge

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7, 10, 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mouliney et al. (Mouliney), U.S. Patent 5,745,835 in view of Wei et al (Wei), article entitled, "Separation of actinides from simulated spent fuel solutions by an advanced ion-exchange process".

The Mouliney patent discloses a process for dissolving actinic oxides in a solution of nitric acid and the treatment of said nitric acid containing dissolved actinic oxides with divalent silver (see abstract). The reference further discloses a similar range of ratios mixture of actinic oxides U:Pu (see col. 7, lines 16-25). To modify such ratio is within the purview of the ordinary artisan and is accordingly considered an obvious modification, unless such modification produces an unexpected result. The oxides are in the form of a solid (see abstract). The patent further teaches the relative temperature (see col. 4, lines 29-33). The patent further teaches the use of monovalent silver which by electrolysis is converted to divalent silver (see abstract). The patent teaches the continuous process (see col. 3, lines 60-67). The patent further discloses the relative concentration of the nitric acid (see col. 4, lines 4-28). The silver is added as silver nitrate (see col. 4, lines 14-15).

The patent fails to teach the removal of palladium from the solution or the further limitations directed to said removal. The Wei reference is cited to show the use separator of palladium from actinides from spent fuel solutions by an ion-exchange process (see abstract).

Accordingly, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the of the Mouliney patent with the teachings of the Wei reference, because the Wei reference teaches the separation of palladium from the nitric solution containing dissolved actinic oxides by ion exchange. To repeat the separation and treatment with silver would have been an obvious modification, because such repetition would produce a further purified solution and separation.

Claims 1-9, 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mouliney applied as above in view of Yoneya et al. (Yoneya), U.S. Patent 5,437,847.

The patent fails to teach the removal of palladium from the solution or the further limitations directed to said removal. The Yoneya patent is cited to show the removal of palladium using such steps of recited in claims 8,9 and 11 (see col. 2, lines 1-25).

Consequently, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the of the Mouliney patent with the teachings of the Yoneya patent, because the Yoneya patent teaches the separation of palladium from the nitric

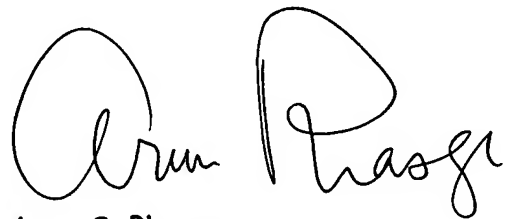
solution containing dissolved actinic oxides. To repeat the separation and treatment with silver would have been an obvious modification, because such repetition would produce a further purified solution and separation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Arun Phasge', with a large, stylized initial 'P'.

Arun S. Phasge
Primary Examiner
Art Unit 1753

asp